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10/691,807	10/22/2003	Brian V. Sychta	GP-302372	6668

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EXAMINER

PHUONG, DAI

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/691,807	Applicant(s) SYCHTA, BRIAN V.	
	Examiner Dai A. Phuong	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 10/16/2006 have been fully considered but they are not persuasive. Claims 7-8 and 16 had been cancel; and claim 22 has been added. Claims 1-6, 9-15 and 17-22 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 9-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. (Pub. No: 20030032460) in view of Richard (Pub. No: 20020111715).

Regarding claim 1, Cannon et al. disclose a method of processing telephone calls from a plurality of telephone sources 120a-120d in a vehicle audio system 100 (fig. 1, [0023]-[0026]. Specifically, Cannon et al. disclose the driver uses a first wireless phone 120a, while the passengers use respective wireless phones 120b, 120c, 120d), the method comprising the steps of:

providing a first call via a first one of the telephone sources 120b-120d to a user via the vehicle audio system 100 (fig. 8, [0068] to [0073]. Specifically, Cannon et al. disclose the driver receives an incoming call *while a passenger in the vehicle 101* uses the wireless hands-free gateway 100);

notifying the user of a second call received (driver) via a second one of the telephone sources 120a different from the first one of the telephone sources 120b-120d while the first call is active (fig. 8, [0068] to [0073]. Specifically, Cannon et al. disclose the driver receives an incoming call while a passenger in the vehicle 101 uses the wireless hands-free gateway 100. Then, the driver's wireless phone 120a requests priority access to the wireless hands-free gateway 100 via communications over the established piconet network. It should be noted that the active passenger returns to hands mode or manual mode when the driver answers the receiving call).

However, Cannon et al. do not disclose processing an instruction from the user to suspend the first call and accept the second call, wherein the first call is placed in a hold queue within the vehicle audio system without terminating the first call; maintaining a connection between the hold queue in the vehicle audio system and the first one of the plurality of telephone sources while the second call remains active to thereby continue the first call even though the first and second calls emanate from different telephone sources; and in response to a subsequent instruction from user, restoring the first call from the hold queue and again providing the first call to the user via the vehicle audio system.

In the same field of endeavor, Richard discloses processing an instruction from the user to suspend the first call and accept the second call, wherein the first call is placed in a hold queue within the vehicle audio system without terminating the first call ([0112] to [0113]. Specifically, Richard discloses to answer a telephone call while already on a line, the user presses the Hold pushbutton and then presses the flashing pushbutton of the mobile line to receive the incoming call);

maintaining a connection between the hold queue in the vehicle audio system and the first one of the plurality of telephone sources while the second call remains active to thereby continue the first call even though the first and second calls emanate from different telephone sources ([0112] and [0113]). Specifically, Richard discloses that to answer a telephone call while already on a line (first call), the user presses the Hold pushbutton and then presses the flashing pushbutton of the mobile line to receive the incoming call (second call). When the user presses the Hold pushbutton, the first call is on hold or maintaining a connection in the queue while answering the second call. Once the Hold pushbutton is pressed again, it switches back to the first call. It should be noted that the hold queue is the common knowledge of technologist which uses to handle calls (e.g. place the call on hold, first in first out); that is, where technological facts are known to those in the field of the invention); and

in response to a subsequent instruction from user, restoring the first call from the hold queue and again providing the first call to the user via the vehicle audio system ([0112] to [0113]). Specifically, Richard discloses the Hold pushbutton places the call on hold until either the signal weakens to the point where the connectivity ends or the Hold pushbutton is pressed again).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hand-free gateway of Cannon et al. by specifically including processing an instruction from the user to suspend the first call and accept the second call, wherein the first call is placed in a hold queue within the vehicle audio system without terminating the first call; maintaining a connection between the hold queue in the vehicle audio system and the first one of the plurality of telephone sources while the second call remains active

to thereby continue the first call even though the first and second calls emanate from different telephone sources; and in response to a subsequent instruction from user, restoring the first call from the hold queue and again providing the first call to the user via the vehicle audio system, as taught by Richard, the motivation being in order to allow user to access a broad spectrum of information; services from the convenience of the user's vehicle, perform multiple applications and avoid traffic congestion. Additionally, it is inexpensive, dependable and fully effective in accomplishing its intended purpose.

Regarding claim 2, the combination of Cannon et al. and Richard discloses all the limitation in claim 1. Further, Richard discloses the method wherein the notifying step comprises providing an audible prompt using the vehicle audio system ([0107]).

Regarding claim 3, the combination of Cannon et al. and Richard discloses all the limitation in claim 2. Further, Cannon et al. disclose the method wherein the audible prompt comprises an indication of the priority of the second call ([0055] to [0074]).

Regarding claim 4, the combination of Cannon et al. and Richard discloses all the limitation in claim 1. Further, Richard discloses the method wherein the processing step comprises placing the first call on hold while the user accepts the second call ([0112] to [0113]).

Regarding claim 5, the combination of Cannon et al. and the combination of Cannon et al. and Richard discloses all the limitation in claim 1. Further, Richard discloses the method wherein the providing step comprises routing audio information from the first phone to the vehicle audio system, and routing output from a vehicle microphone to an input of the first phone ([0106] and [0107]).

Regarding claim 6, the combination of Cannon et al. and Richard discloses all the limitation in claim 5. Further, Cannon et al. the method wherein the processing step comprises routing audio information from the second phone to the vehicle audio system and routing output from a vehicle microphone to an input of the second phone in response to the instruction from the user to suspend the first call ([0055] to [0074]).

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 10, Cannon et al. disclose an audio system for processing telephone calls from a plurality of telephones in a vehicle (fig. 2, [0035]-[0036]. Specifically, Cannon et al. disclose the wireless phones 120 each establish a piconet network with the wireless multi-user hands-free gateway 100, which includes a BLUETOOTH.TM. piconet front end 230, a loudspeaker 250 (or interconnection to the vehicle's sound system), a microphone 250, and a suitable audio echo canceller 240), the system comprising: at least one audio speaker 250 (fig. 2, [0035]-[0036]. Specifically, Cannon et al. disclose the wireless phones 120 each establish a piconet network with the wireless multi-user hands-free gateway 100, which includes a BLUETOOTH.TM. piconet front end 230, a loudspeaker 250 (or interconnection to the vehicle's sound system), a user interface 260 (fig. 2, [0035]-[0036]. Specifically, Cannon et al. disclose the audio echo canceller 240 provides cancellation of feedback components picked up by the microphone 260 from being output from the loudspeaker 250) and a controller communicating with an interface to each of the plurality of telephones (fig. 2, [0032]-[0036]. Specifically, Cannon et al. disclose the wireless multi-user hands-free gateway 100 provides only one audio path (i.e., only one set of loudspeaker(s) and microphone), and thus a selection or arbitration among wireless phone members of the piconet must be made by the wireless multi-user hands-

free gateway 100, because more than one wireless phone may be in operation in the vehicle), wherein the controller is configured to provide a first call from a first telephone to a user (fig. 8, [0068] to [0073]. Specifically, Cannon et al. disclose the driver receives an incoming call *while a passenger in the vehicle 101* uses the wireless hands-free gateway 100) via the at least one audio speaker (fig. 2, [0035]-[0036]. Specifically, Cannon et al. disclose a loudspeaker 250 (or interconnection to the vehicle's sound system)), to notify the user of a second call received via a second telephone while the first call is active (fig. 8, [0068] to [0073]. Specifically, Cannon et al. disclose the driver receives an incoming call while a passenger in the vehicle 101 uses the wireless hands-free gateway 100. Then, the driver's wireless phone 120a requests priority access to the wireless hands-free gateway 100 via communications over the established piconet network. It should be noted that the active passenger returns to hands mode or manual mode when the driver answers the receiving call).

However, Cannon et al. do not disclose to process an instruction received from the user at the user interface to suspend the first call and accept the second call over the at least one audio speaker, wherein the first call is suspended by placing the first call in a hold queue without terminating the first call, and wherein the first call is restored from the hold queue in response to a subsequent instruction from the user and is again provided to the user via the at least one audio speaker, wherein the hold queue is configured to maintain a connection the first one of the plurality of telephone sources while the second call remains active to thereby continue the first call even though the first and second calls emanate from different telephone sources.

In the same field of endeavor, Richard discloses to process an instruction received from the user at the user interface to suspend the first call and accept the second call over the at least

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one audio speaker ([0112] to [0113]. Specifically, Richard discloses to answer a telephone call while already on a line, the user presses the Hold pushbutton and then presses the flashing pushbutton of the mobile line to receive the incoming call), wherein the first call is suspended by placing the first call in a hold queue without terminating the first call ([0112] to [0113]. Specifically, Richard discloses the Hold pushbutton places the call on hold until either the signal weakens to the point where the connectivity ends or the Hold pushbutton is pressed again), and wherein the first call is restored from the hold queue in response to a subsequent instruction from the user and is again provided to the user via the at least one audio speaker ([0112] to [0113]. Specifically, Richard discloses the Hold pushbutton places the call on hold until either the signal weakens to the point where the connectivity ends or the Hold pushbutton is pressed again), wherein the hold queue is configured to maintain a connection the first one of the plurality of telephone sources while the second call remains active to thereby continue the first call even though the first and second calls emanate from different telephone sources ([0112] and [0113]. Specifically, Richard discloses that to answer a telephone call while already on a line (first call), the user presses the Hold pushbutton and then presses the flashing pushbutton of the mobile line to receive the incoming call (second call). When the user presses the Hold pushbutton, the first call is on hold or maintaining a connection in the queue while answering the second call. Once the Hold pushbutton is pressed again, it switches back to the first call. It should be noted that the hold queue is the common knowledge of technologist which uses to handle calls (e.g. place the call on hold, first in first out); that is, where technological facts are known to those in the field of the invention).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hand-free gateway of Cannon et al. by specifically including process an instruction received from the user at the user interface to suspend the first call and accept the second call over the at least one audio speaker, wherein the first call is suspended by placing the first call in a hold queue without terminating the first call, and wherein the first call is restored from the hold queue in response to a subsequent instruction from the user and is again provided to the user via the at least one audio speaker, wherein the hold queue is configured to maintain a connection the first one of the plurality of telephone sources while the second call remains active to thereby continue the first call even though the first and second calls emanate from different telephone sources, as taught by Richard, the motivation being in order to allow user to access a broad spectrum of information; services from the convenience of the user's vehicle, perform multiple applications and avoid traffic congestion. Additionally, it is inexpensive, dependable and fully effective in accomplishing its intended purpose.

Regarding claim 11, the combination of Cannon et al. and Richard disclose all the limitation in claim 10. Further, Cannon et al. disclose the audio system further comprising a first interface to the first telephone and a second interface to the second telephone ([0040] to [0049]).

Regarding claim 12, the combination of Cannon et al. and Richard disclose all the limitation in claim 11. Further, Cannon et al. disclose the audio system wherein the first interface is a wireless interface ([0040] to [0049]).

Regarding claim 13, the combination of Cannon et al. and Richard disclose all the limitation in claim 12. Further, Cannon et al. disclose the audio system wherein the second interface is an interface to an onboard telephony system ([0040] to [0049]).

Regarding claim 14, the combination of Cannon et al. and Richard disclose all the limitation in claim 12. Further, Cannon et al. disclose the audio system wherein the wireless interface is a Bluetooth interface ([0024] to [0029]).

Regarding claim 15, the combination of Cannon et al. and Richard disclose all the limitation in claim 13. Further, Cannon et al. disclose the audio system wherein the processor is further configured to override any calls on the first telephone to automatically place a call on the second telephone in the event of an emergency ([0055] to [0074]).

Regarding claim 17, the combination of Cannon et al. and Richard disclose all the limitation in claim 10. Further, Richard discloses the audio system wherein the controller is further configured to place the second call into a queue if the user continues the first call ([0112] to [0113]).

Regarding claim 18, the combination of Cannon et al. and Richard disclose all the limitation in claim 10. Further, Cannon et al. disclose the audio system further comprising a voice recording subsystem in communication with the controller ([0040] to [0049]).

Regarding claim 19, the combination of Cannon et al. and Richard disclose all the limitation in claim 12. Further, Cannon et al. disclose the audio system wherein the controller is further configured to place the first call into a private mode on the first telephone when instructed by the user ([0055] to [0074]).

Regarding claim 20, the combination of Cannon et al. and Richard disclose all the limitation in claim 10. Further, Richard discloses the audio system wherein the user interface comprises a SEND button, a REJECT button, and an END button (fig. 4A to fig. 5A, [0062], [0116], [0019] and [0120]).

Regarding claim 21, the combination of Cannon et al. and Richard discloses all the limitation in claim 1. Further, Richard discloses the method wherein the subsequent instruction from the user comprises an instruction to terminate the second call ([0012] to [0113] and [0119]).

Regarding claim 22, the combination of Cannon et al. and Richard discloses all the limitation in claim 1. Further, Richard discloses the method wherein the hold queue is further configured to maintain connections with any of the plurality of telephone sources to thereby continue calls received from any one of the plurality of telephone sources while call From any other one of the plurality of telephone sources are active ([0112] to [0113]).

Response to Argument

4. Applicant, on page 6 of his response, argues that maintaining a connection between the hold queue in the vehicle audio system and the first one of the plurality of telephone sources while the second call remains active to thereby continue the first call even though the first and second calls emanate from different telephone sources and Cannon does not disclose the hold queue features. However, the Examiner disagrees. Richard discloses that to answer a telephone call while *already on a line (first call)*, the user presses the Hold pushbutton and then presses the flashing pushbutton of the mobile line to *receive the incoming call (second call)*. When the user presses the Hold pushbutton, the first call is on hold or maintaining a connection in the queue

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while answering the second call. Once the Hold pushbutton is pressed again, it switches back to the first call. It should be noted that the hold queue is the common knowledge of technologist which uses to handle calls (e.g. place the call on hold, first in first out); that is, where technological facts are known to those in the field of the invention). The applicant's attention is directed to the disclosure of the reference Richard, paragraph 112 and paragraph 113.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2617
Date: 12-07-2003


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